

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

ESTATE OF EDWARD R.  
CHAMPION, by and through DEBBIE  
CELLAN, *individually and as Personal  
Representative,*

Plaintiff,

vs.

BILLINGS SKILLED NURSING  
FACILITY, LLC, *d/b/a* AVANTARA  
OF BILLINGS; LEGACY  
HEALTHCARE FINANCIAL  
SERVICES, LLC; CASCADE  
CAPITAL GROUP, LLC; SHAWNA  
JOHNSON; and JOHN DOES 1-25,

Defendants.

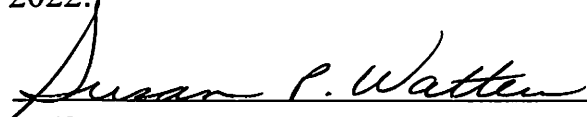
CV 21-85-BLG-SPW

**ORDER**

Defendants Billings Skilled Nursing Facility *et al* filed a “Motion For Automatic 30-Day Stay of Enforcement of Court’s March 17, 2022 Remand Order.” (Doc. 35). In the motion and accompanying brief, Defendants request that the Court issue a stay under Federal Rule of Civil Procedure 62(a) for 30 days. Rule 62(a) states that: “Except as provided in Rule 62(c) and (d), execution on a judgment and proceedings to enforce it are stayed for 30 days after its entry, unless the court orders otherwise.” Here the Court has not ordered otherwise and the exceptions provided in Rule 62(c) and (d) do not apply. The language of Rule

62(a) is not permissive and the rule states that the stay is automatic. A ruling by the Court entering a stay would be unnecessary. Therefore, the Defendant's motion (Doc. 35) is DENIED AS MOOT.

DATED this 12<sup>th</sup> day of April 2022.

  
SUSAN P. WATTERS  
United States District Court Judge